



# House of Representatives

General Assembly

**File No. 292**

February Session, 2002

Substitute House Bill No. 5153

*House of Representatives, April 3, 2002*

The Committee on Public Health reported through REP. EBERLE of the 15th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING WATER SUPPLY PLANS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 25-32d of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 (a) Each water company, as defined in section 25-32a, and supplying  
4 water to one thousand or more persons or two hundred fifty or more  
5 consumers and any other water company as defined in said section  
6 requested by the Commissioner of Public Health shall submit a water  
7 supply plan to the Commissioner of Public Health for approval with  
8 the concurrence of the Commissioner of Environmental Protection. The  
9 concurrence of the Public Utilities Control Authority shall be required  
10 for approval of a plan submitted by a water company regulated by the  
11 authority. The Commissioner of Public Health shall consider the  
12 comments of the Public Utilities Control Authority on any plan which  
13 may impact any water company regulated by the authority. The  
14 Commissioner of Public Health shall distribute a copy of the plan to

15 the Commissioner of Environmental Protection and the Public Utilities  
16 Control Authority. A copy of the plan shall be sent to the Secretary of  
17 the Office of Policy and Management for information and comment. A  
18 plan shall be revised at such time as the water company filing the plan  
19 or the Commissioner of Public Health determines or at intervals of not  
20 less than three years nor more than five years after the date of initial  
21 approval.

22 (b) Any water supply plan submitted pursuant to this section shall  
23 evaluate the water supply needs in the service area of the water  
24 company submitting the plan and propose a strategy to meet such  
25 needs. The plan shall include: (1) A description of existing water  
26 supply systems; (2) an analysis of future water supply demands; (3) an  
27 assessment of alternative water supply sources which may include  
28 sources receiving sewage and sources located on state land; (4)  
29 contingency procedures for public drinking water supply emergencies,  
30 including emergencies concerning the contamination of water, the  
31 failure of a water supply system or the shortage of water; (5) a  
32 recommendation for new water system development; (6) a forecast of  
33 any future land sales, an identification which includes the acreage and  
34 location of any land proposed to be sold, sources of public water  
35 supply to be abandoned and any land owned by the company which it  
36 has designated, or plans to designate, as class III land; (7) provisions  
37 for strategic groundwater monitoring; [and] (8) an analysis of the  
38 impact of water conservation practices and a strategy for  
39 implementing supply and demand management measures; and (9) a  
40 source water assessment analysis that includes recommended source  
41 protection measures for all sources of water supply, including the  
42 identification of critical lands to be protected and incompatible land  
43 use activities with the potential to contaminate a public drinking water  
44 source.

45 (c) For security and safety reasons, procedures for sabotage  
46 prevention and response shall be provided separately from the water  
47 supply plan as a confidential document to the Department of Public  
48 Health. Such procedures shall not be subject to disclosure under the

49 Freedom of Information Act, as defined in section 1-200, as amended.  
50 Additionally, procedures for sabotage prevention and response that  
51 are established by municipally-owned water companies shall not be  
52 subject to disclosure under the Freedom of Information Act, as defined  
53 in section 1-200, as amended.

54     ~~[(c)]~~ (d) The Commissioner of Public Health, in consultation with  
55 the Commissioner of Environmental Protection and the Public Utilities  
56 Control Authority, shall adopt regulations in accordance with the  
57 provisions of chapter 54. Such regulations shall include a method for  
58 calculating safe yield, the contents of emergency contingency plans  
59 and water conservation plans, a process for approval, modification or  
60 rejection of plans submitted pursuant to this section, a schedule for  
61 submission of the plans and a mechanism for determining the  
62 completeness of the plan. The plan shall be deemed complete if the  
63 commissioner does not request additional information within ninety  
64 days after the date on which the plan was submitted or, in the event  
65 that additional information has been requested, within forty-five days  
66 after the submission of such information, except that the commissioner  
67 may request an additional thirty days beyond the time in which the  
68 application is deemed complete to further determine completeness. In  
69 determining whether the water supply plan is complete, the  
70 commissioner may request only information that is specifically  
71 required by regulation. The Department of Environmental Protection  
72 and the Department of Public Utility Control, in the case of any plan  
73 which may impact any water company regulated by that agency, shall  
74 have ninety days upon notice that a plan is deemed complete to  
75 comment on the plan.

76     ~~[(d)]~~ (e) Any water company, when submitting any plan or revision  
77 or amendment of a plan after July 1, 1998, which involves a forecast of  
78 land sales, abandonment of any water supply source, sale of any lands,  
79 or land reclassification, shall provide notice, return receipt requested,  
80 to the chief elected official of each municipality in which the land or  
81 source is located, the Nature Conservancy, the Trust for Public Land  
82 and the Land Trust Service Bureau and any organization on the list

83 prepared under subsection (b) of section 16-50c, as amended. Such  
84 notice shall specify any proposed abandonment of a source of water  
85 supply, any proposed changes to land sales forecasts or any land to be  
86 designated as class III land in such plan. Such notice shall specify the  
87 location and acreage proposed for sale or reclassification as class III  
88 land, identify sources to be abandoned and shall be provided no later  
89 than the date of submission of such plan or revision. Such notice shall  
90 indicate that public comment on such plan or revision shall be received  
91 by the Commissioners of Public Health and Environmental Protection  
92 not later than sixty days after the date of notice. The Commissioner of  
93 Public Health shall take such comment into consideration in making  
94 any determination or approval under this section.

95 Sec. 2. Section 19a-36 of the general statutes is amended by adding  
96 subsection (d) as follows (*Effective October 1, 2002*):

97 (NEW) (d) Notwithstanding any regulation of Connecticut state  
98 agencies, a property owner connected to a public water supply shall  
99 not be prohibited from using private well water for domestic purposes  
100 if there is no cross connection between said public water supply and  
101 said private well water.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>

**PH**            *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

Effect	Municipalities	FY 03 \$	FY 04 \$
Revenue Gain	Various Municipalities	Potential Minimal	Potential Minimal

**Explanation**

It is anticipated that municipally-affiliated water companies will be able to incorporate the additional required information in their future water supply plans without affecting local resources.

A potential workload increase and minimal revenue gain to local health departments will result should additional well permits be granted in response to passage of Section 2. Fees for these permits are established locally.

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**OLR Bill Analysis**

sHB 5153

**AN ACT CONCERNING WATER SUPPLY PLANS****SUMMARY:**

This bill requires water companies' supply plans to include a source water assessment analysis and ways to protect those supplies. The assessment must identify critical lands to be protected and incompatible land uses that could contaminate a public water drinking source. By law, water companies serving over 1,000 people or 250 consumers must submit a plan at least every five years to the public health commissioner. The commissioner must distribute copies to the environmental protection and public utility departments and the Office of Policy and Management.

The bill requires water companies to give the Public Health Department (DPH) sabotage prevention and response procedures separate from their water supply plans. The bill makes these, confidential, exempt from disclosure under the Freedom of Information Act. It specifically exempts such procedures established by municipally owned water companies from disclosure.

Finally, the bill prohibits DPH regulations from prohibiting a property owner connected to a public water supply from using private well water for domestic purposes as long as the public system and well are not interconnected. DPH regulations define domestic purposes as drinking, bathing, washing clothes and dishes, and cooking.

EFFECTIVE DATE: October 1, 2002

**BACKGROUND*****DPH Well Regulations***

Current DPH regulations prohibit a local health director from approving a well permit for a residential dwelling if a community water system is available and the lot line of the parcel where the dwelling is located is within 200 feet of the water line. But the DPH

commissioner can waive this prohibition if (1) he finds the situation will not adversely affect the quality or adequacy of the water supply or the water company's service, (2) the water system cannot adequately supply pure water, or (3) construction problems warrant an exception (*Conn. Agency Regs.*, § 19-13-B51m).

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea    23        Nay    0